

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Adam Veinotte

v.

Case No. 20-cv-777-PB
Opinion No. 2021 DNH 168

Milford DCH, Inc. d/b/a
DCH Toyota of Milford

ORDER

Adam Veinotte has sued his former employer, Milford DCH, Inc. He asserts claims for disability discrimination, harassment, and retaliation in violation of the Americans with Disabilities Act, retaliation in violation of the Family and Medical Leave Act, and wrongful termination in violation of state law. The parties subsequently agreed to stay the case pending arbitration. DCH now moves to lift the stay for the limited purpose of allowing third party discovery for use in the arbitration.

I agree with the majority of circuit courts that have addressed the question that an arbitrator lacks the power under the Federal Arbitration Act ("FAA") to compel prehearing depositions and document discovery from third parties. See Managed Care Advisory Group, LLC v. CIGNA Healthcare, Inc., 939 F.3d 1145, 1159 (11th Cir. 2019) (collecting cases). What DCH is attempting to do here is to circumvent that limitation on the arbitrator's power by asking me to lift the stay in this case

solely for the purpose of allowing discovery for use in the arbitration. I decline to participate in that effort. This case simply does not present the type of unusual circumstances where a court may lift a stay that is otherwise required by Section 3 of the FAA.

Motion (Doc. No. 13) denied.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

October 25, 2021

cc: John P. Sherman, Esq.
Gregory S. Paonessa, Esq.
Eric G. J. Kaviar, Esq.